

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yury KALNITSKY
Application No. : 10/760,137 Filed : January 16, 2004
Title : NETWORK ARCHITECTURE FOR DATA TRANSMISSION
Examiner : Chirag R. PATEL
Art Unit : 2141 Confirmation No. : 7187

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

**SUPPLEMENTAL REQUEST TO WITHDRAW HOLDING OF ABANDONMENT
UNDER MPEP ¶ 711.03(c) 1A
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE**

SIR:

This supplements Applicant's request filed on April 16, 2008 to withdraw the holding of abandonment for failure to pay the Issue Fee.

Filed herewith are the Supplemental Declarations of Suzanne Graziano and Frank J. DeRosa, together with Request Exhibits E-H.

The Supplemental Graziano Declaration and Request Exhibits E and F show that the Office indeed received the August 28, 2007 letter and CD (see original Graziano Declaration filed April 16, 2008 at ¶¶ 4-6) requesting that the customer number be changed for the above-identified application to 20999 (Frommer Lawrence & Haug LLP).

Frommer Lawrence & Haug LLP ("Frommer Lawrence") maintains an electronic docket for patent applications pending before the USPTO using Computer Packages Inc. ("CPI") docket software. CPI is recognized for its IP management systems. See www.computerpackages.com.

The CPI docket system used by Frommer Lawrence includes a record for the above-identified application that includes, but is not limited to, the application number, attorney docket number, the mail dates of office actions, notice of allowances and the like, and due dates for responses. To the best of my knowledge, the CPI docket system used by Frommer Lawrence is reliable.

As the declarations filed herewith and on April 16, 2008, and Frommer Lawrence's electronic docket records demonstrate, the Notice of Allowance dated December 13, 2007 was not received by Frommer Lawrence (before Ms. Graziano's download on April 10, 2008). A copy of Frommer Lawrence's master docket record for USPTO responses due March 13, 2008 was previously submitted as Exhibit D attached to the Lu/Antonellis Declaration filed April, 16, 2008.

The Supplemental DeRosa Declaration and Request Exhibits G and H provide still further evidence that Frommer Lawrence & Haug LLP never received the December 13, 2007 Notice of Allowance (until Ms. Graziano downloaded a copy on April 10, 2008).

Request Exhibit G is a copy of Frommer Lawrence's electronic docket record of DeRosa's docket for March 13, 2008 USPTO due dates (which does not include anything for the above-identified application).

Request Exhibit H is a copy of Frommer Lawrence's electronic docket record for the above-identified application which does not include an entry for a Notice of Allowance or anything due on March 13, 2007.

Request Exhibits E-H, and Graziano's and DeRosa's review of the Frommer Lawrence file for the above-identified application (See original Graziano Declaration at ¶ 13 and Supplemental DeRosa Declaration at ¶ 2) show that Frommer Lawrence never received the Notice of Allowance (before Ms. Graziano's download on April 10, 2008).

It is submitted that the original Request filed April 16, 2008 and this Supplemental Request provide sufficient grounds for withdrawing the Notice of Abandonment, and such withdrawal is respectfully requested.

Date: June 20, 2008

Respectfully submitted,

Customer No. 20999
Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, NY 10151
Tel. (Direct) (212) 863-2619
Tel. (212) 588-0800
Fax (212) 588-0500



Frank J. DeRosa
Reg. No. 26,543

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yury KALNITSKY
Application No. : 10/760,137 Filed : January 16, 2004
Title : NETWORK ARCHITECTURE FOR DATA TRANSMISSION
Examiner : Chirag R. PATEL
Art Unit : 2141 Confirmation No. : 7187

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PO Box 1450
Alexandria VA 22313-1450

**SUPPLEMENTAL DECLARATION OF SUZANNE GRAZIANO
IN SUPPORT OF REQUEST TO WITHDRAW HOLDING OF ABANDONMENT**

SIR:

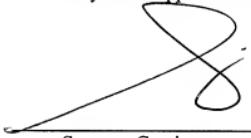
I, Suzanne Graziano, declare as follows:

1. This Declaration supplements my April 16, 2008 Declaration filed in the above application on April 16, 2008.
2. Attached as Request Exhibit E is a copy of Express Mail Label No. EM 051108681 US for the mailing by Express Mail of Request Exhibit A (letter dated August 28, 2008 to Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450) and a CD, a printout of which is Request Exhibit B. This Express Mail label shows a receipt date by the U.S. Postal System ("USPS") of August 31, 2007.
3. Attached as Request Exhibit F is a copy of a printout from the USPS's Track & Confirm web site showing that the Express Mail package for Express Mail Label EM 051108681 US was received at the USPTO, as signed by "A. Young," on September 4, 2007.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

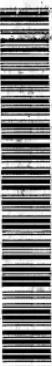
6/20/08

Date



Suzanne Graziano

Customer Copy
Label 11-F, April 2004



EH 05100681 US

Post Office To Addressee

UNITED STATES POSTAL SERVICE®

DELIVERY (POSTAL USE ONLY)

Day of Delivery	Postage	\$ 16.35
First <input type="checkbox"/> Second <input type="checkbox"/> Same Day <input type="checkbox"/>	Return Receipt Fee	\$
Date Admitted	Month	Day
7/21/04	7	7
Specified Time of Delivery		
First Admitted	AM <input type="checkbox"/> PM <input checked="" type="checkbox"/>	AM <input type="checkbox"/> PM <input checked="" type="checkbox"/>
Flat Rate <input type="checkbox"/> OverNight <input type="checkbox"/>	Flat Rate <input type="checkbox"/> OverNight <input checked="" type="checkbox"/>	Flat Rate <input type="checkbox"/> OverNight <input checked="" type="checkbox"/>
Total Postage & Fees		
\$ 16.35		
Acceptance & Insurance		
\$ 0.00		
Int'l Alpha Country Code		
Int'l Alpha Postage		
Int'l Alpha Insurance		
Int'l Alpha Acceptance		
Int'l Alpha Total		
\$ 16.35		

Delivery Attempt Time AM PM

Delivery Attempt Date AM PM

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Delivery Date Month AM PM

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Delivery Date Year AM PM

Payment Agency Acct. No. or
Agent Acct. No. or
Domicile Acct. No.

TO (PLEASE PRINT)

FRANK J. DEROZA, Esq.
FRUMER, LAWRENCE & HAUG, LLP
745 5TH AVE FL 10
NEW YORK NY 10151-0099

MAIL STOP EBC
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

FOR PICKUP OR TRACKING: Visit www.usps.com or Call 1-800-222-1811

Exhibit E

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: EM05 1108 681U S
Status: Delivered

Your item was delivered at 6:06 am on September 04, 2007 in
ALEXANDRIA, VA 22313. The item was signed for by A YOUNG.

Additional information for this item is stored in files offline.

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Enter Label/Receipt Number.

[Go >](#)[Restore Offline Details >](#)[Return to USPS.com Home >](#)

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Proof of Delivery

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Opportunity DataFreedom of Information
Act Data**Exhibit F**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yury KALNITSKY
Application No. : 10/760,137 Filed : January 16, 2004
Title : NETWORK ARCHITECTURE FOR DATA TRANSMISSION
Examiner : Chirag R. PATEL
Art Unit : 2141 Confirmation No. : 7187

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

**SUPPLEMENTAL DECLARATION OF FRANK J. DEROSA
IN SUPPORT OF REQUEST TO WITHDRAW HOLDING OF ABANDONMENT**

I, Frank J. DeRosa, declare as follows:

1. This Declaration supplements my April 16, 2008 Declaration filed in the above application on April 16, 2008.

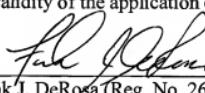
2. I reviewed the file for the above-identified application maintained by Frommer Lawrence & Haug LLP (as of June 14, 2007), and did not find the Notice of Allowance dated December 13, 2007 or any record thereof, except for the copy of the Notice of Allowance downloaded from PAIR by Ms. Graziano on April 10, 2008 (see original Graziano Declaration filed April 16, 2008 ¶¶ 12-14).

3. Attached as Request Exhibit G are copies from Frommer Lawrence's electronic docket system of all matters on my docket with a response date of March 13, 2007. None of the records is for the above-identified application.

4. Attached as Request Exhibit H is a copy of the docket record from Frommer Lawrence's electronic docket system for the above-identified application. This record does not include a response date of March 13, 2008.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

6/20/08
Date


Frank J. DeRosa (Reg. No. 26,543)

Actions Due

Friday, June 20, 2008

Page: 1

Case Number: 3360062005.2

Country: US United States of America

Case Type: ORD

Status : Published

Filing Date: 22-Oct-2004

Action Type: US-3MON. ACTION

Base Date: 13-Sep-2007

Application #: 10/971850

Response sent date: 13-Mar-2008

Action(s) Due	Due Date	Indicator	Taken	Ext	N/A
3 MON RESPONSE	13-Dec-2007	Due Date	13-Mar-2008	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1 MON EXTENSION	13-Jan-2008	Due Date	13-Mar-2008	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 MON EXTENSION	13-Feb-2008	Due Date	13-Mar-2008	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REMINDER	12-Mar-2008	Reminder	13-Mar-2008	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6 MON FINAL	13-Mar-2008	Final	13-Mar-2008	<input type="checkbox"/>	<input type="checkbox"/>
RESPONSE FILED?	15-Mar-2008	Due Date	13-Mar-2008	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

INTERVIEW SUMMARY DTD 2/28/08 REC'D 3/4/08.

User ID: LISA

Date Created: 17-Sep-2007

Last Update: 13-Mar-2008

Actions Due

Friday, June 20, 2008

Page: 2

Case Number: 3360012023.JP

Country: JP Japan

Case Type: DES

Status : Pending

Filing Date: 05-Nov-2007

Action Type: RESPONSE DUE

Base Date: 20-Feb-2008

Application #: 2007-030517

Response sent date:

Action(s) Due	Due Date	Indicator	Taken	Ext	N/A
RESPONSE DUE	20-Feb-2008	Due Date	<input checked="" type="checkbox"/> <input type="checkbox"/>		
INSTRUCT BY	13-Mar-2008	Due Date	07-Mar-2008	<input type="checkbox"/> <input type="checkbox"/>	
REMINDER	19-Mar-2008	Reminder		<input checked="" type="checkbox"/> <input type="checkbox"/>	
RESPONSE DUE DDD	21-Mar-2008	Due Date	07-Mar-2008	<input type="checkbox"/> <input type="checkbox"/>	
STATUS CK	21-Apr-2008	Due Date	28-Mar-2008	<input type="checkbox"/> <input type="checkbox"/>	

Remarks:

RESP TO OA; 2/20/08 FAX RE NEW DDD TO RESPOND IS 3/21/08 (INSTRUCT BY 3/13/08). INSTRUCTIONS SENT TO ASO 3/7/08 AS PER G.S. EMAIL OF 3/7/08. AWAITING CONFIRMATION OF FILING.

User ID: LFY

Date Created: 03-Dec-2007

Last Update: 28-Mar-2008

Actions Due

Friday, June 20, 2008

Page: 3

Case Number: 3360022001.1.US

Country: US United States of America

Case Type: CIP

Status: Published

Filing Date: 21-Nov-2007

Action Type: US-MISSG PT-FLG

Base Date: 13-Dec-2007

Application #: 11/943926

Response sent date: 12-Feb-2008

Action(s) Due	Due Date	Indicator	Taken	Ext	N/A
MISSING PARTS	13-Feb-2008	Due Date	12-Feb-2008	<input type="checkbox"/>	<input type="checkbox"/>
REMINDER	03-Mar-2008	Reminder	12-Feb-2008	<input type="checkbox"/>	<input type="checkbox"/>
1 MON EXTENSION	13-Mar-2008	Due Date	12-Feb-2008	<input type="checkbox"/>	<input type="checkbox"/>
2 MON EXTENSION	13-Apr-2008	Due Date	12-Feb-2008	<input type="checkbox"/>	<input type="checkbox"/>
3 MON EXTENSION	13-May-2008	Due Date	12-Feb-2008	<input type="checkbox"/>	<input type="checkbox"/>
4 MON EXTENSION	13-Jun-2008	Due Date	12-Feb-2008	<input type="checkbox"/>	<input type="checkbox"/>
FINAL MSNG PRTS	13-Jul-2008	Final	12-Feb-2008	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

e-filed 2/12/08

User ID: LFY

Date Created: 17-Dec-2007

Last Update: 12-Feb-2008

Actions Due

Friday, June 20, 2008

Page: 4

Case Number: 3360012025.1

Country: US United States of America

Case Type: ORD

Status: Pending

Filing Date: 30-May-2000

Action Type: RESP TO NON-COMPLIANT AMEND.

Base Date: 13-Feb-2008

Application #: 09/584045

Response sent date: 22-Feb-2008

Action(s) Due	Due Date	Indicator	Taken	Ext	N/A
REMINDER	26-Feb-2008	Reminder	22-Feb-2008	<input type="checkbox"/>	<input type="checkbox"/>
RESP TO NON-COMPLIANT AME	13-Mar-2008	Due Date	22-Feb-2008	<input type="checkbox"/>	<input type="checkbox"/>
RESP TO NON-COM Follow Up Dat	22-Aug-2008	Due Date		<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

NOTICE OF NON-COMPLIANT AMENDMENT DTD 2/13/08 REC'D 2/20/08
(EXTENDABLE UNDER 37 CFR 1.136); RESPONSE E-FILED 2/22/08.

User ID: LISA

Date Created: 20-Feb-2008

Last Update: 22-Feb-2008

Country Application

Friday, June 20, 2008

Page: 1

Case Number: 3360012040

Country: US

Client: Bloomberg LLP

United States of America

Case Type: ORD

Application Status: Published

Application Number: 10/760137

Filing Date: 16-Jan-2004

Publication Number: US-2005-0198097-A1

Publication Date: 08-Sep-2005

Patent Number:

Issue Date:

Parent/PCT Number:

Parent/PCT Date :

Parent Issue Number:

Parent Issue Date :

Tax Schedule:

Expiration Date:

Confirmation #: 7187

Patent Term Adjustment: 0

Agent:

Agent Reference #:

Family Reference:

ccClient:

Second Assignee:

Examiner: PATEL, CHIRAG R

Group Art Unit: 2141

Non Priority Country:

Non Priority Date:

Non Priority Doc No:

Second Priority Country:

Second Priority Date:

Second Priority Doc No:

Third Priority Country:

Third Priority Date:

Third Priority Doc No:

Bar Date:

EU or SBC Ref.:

Allowed Date:

Place of Incorporation:

Great Grandparent:

Great Grandparent Filing:

Grandparent:

Grandparent Filing:

Head of Clan:

Head of Clan Filing:

Family Number: 3360012040

Remarks: POA AND ASSIGNEE SHOWING OWNERSHIP E-FILED 4/16/08. REQ TO WITHDRAW HOLDING OF ABANDONMENT E-FILED 4/16/08. NOTICE OF ACCEPTANCE OF POA DTD 4/23/08 REC'D 5/1/08.

Country Application

Friday, June 20, 2008

Page: 2

List Of Actions

Action(s) Due	Due Date	Action Taken	
APPLICATION DEADLINE	15-Jan-2004	Due Date	16-Jan-2004
INF DISCLOSURE STMT	16-Jan-2004	Due Date	
NON-PUBLICATION REQ	16-Jan-2004	Due Date	16-Jan-2004
PUBLISH AS AMENDED	16-Jan-2004	Due Date	
POST CARD CHECK	16-Feb-2004	Due Date	26-Jan-2004
FILG RCPT STATUS CHK	16-Apr-2004	Due Date	29-Apr-2004
INF DISCLOSURE STMT	16-Apr-2004	Due Date	28-Mar-2007
MISSING PARTS (2 MO)	26-Jun-2004	Due Date	05-Aug-2004
6 MO. FOR. FILNG REM	16-Jul-2004	Due Date	16-Sep-2004
UPDATED FILG RCPT	29-Sep-2004	Due Date	04-Oct-2004
9 MO. FOR. FILNG REM	16-Oct-2004	Due Date	13-Jan-2005
MISSING PARTS (2 MO)-Final	26-Nov-2004	Final	05-Aug-2004
11 MO FOR FILNG REM	16-Dec-2004	Due Date	13-Jan-2005
NOTIFY PTO OF FF	14-Jan-2005	Due Date	
FOR FILING DEADLINE	16-Jan-2005	Due Date	14-Jan-2005
RECORDATION OF ASGMT	09-Feb-2005	Due Date	15-Feb-2005
STATUS CHECK	16-Jul-2005	Due Date	13-Jul-2005
PUBLICATION	08-Sep-2005	Due Date	08-Sep-2005
RESPONSE TO OA	13-Oct-2005	Due Date	13-Jan-2006
RESPONSE TO OA-Final	13-Jan-2006	Final	13-Jan-2006
EARLY RESP FINAL REJ	20-May-2006	Due Date	04-May-2006
FINAL REJECTION	20-Jun-2006	Due Date	17-Jul-2006
ADVISORY ACTION	02-Aug-2006	Due Date	
FINAL REJECTION-Final	20-Sep-2006	Final	17-Jul-2006
NOTICE OF APPEAL	20-Sep-2006	Due Date	17-Aug-2006
APPEAL BRIEF	17-Oct-2006	Due Date	20-Feb-2007
RCE FILED	20-Feb-2007	Due Date	
APPEAL BRIEF-Final	17-Mar-2007	Final	20-Feb-2007
3 MON RESPONSE	12-Jul-2007	Due Date	12-Oct-2007
1 MON EXTENSION	12-Aug-2007	Due Date	12-Oct-2007
INF DISCLOSURE STMT-Final	16-Aug-2007	Final	28-Mar-2007

Country Application

Friday, June 20, 2008

Page: 3

STATUS CHECK	20-Aug-2007	Due Date	
2 MON EXTENSION	12-Sep-2007	Due Date	12-Oct-2007
REMINDER	10-Oct-2007	Reminder	12-Oct-2007
6 MON FINAL	12-Oct-2007	Final	12-Oct-2007
RESPONSE FILED?	15-Oct-2007	Due Date	12-Oct-2007
Post card check	12-Nov-2007	Reminder	12-Oct-2007
STATUS CK	20-Nov-2007	Due Date	27-Aug-2007
Office action follow up	12-May-2008	Reminder	16-Apr-2008
F/UP - ABANDONMENT	16-Jul-2008	Due Date	

User ID: LISA

Date Created: 10-Jul-2007

Last Update: 01-May-2008